

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Pursuant to 28 U.S.C. §2071, the judges of the United States District Court for the Eastern District of Pennsylvania, on December 6, 2004, approved, for purposes of Notice to the Bar and Public and Solicitation of Comment, a new local rule of civil procedure concerning Documents filed with the court under seal, to be identified as “Local Rule of Civil Procedure 5.1.5.” Proposed Local Rule of Civil Procedure 5.1.5 is set forth as follows:

“PROPOSED LOCAL RULE OF CIVIL PROCEDURE 5.1.5: DOCUMENTS FILED UNDER SEAL

- (a) A document in a civil action may be filed under seal only if:
- (1) the civil action is brought pursuant to a federal statute that prescribes the sealing of the record or of certain specific documents; or
 - (2) the Court orders the document sealed.
- (b)
- (1) Where a document is sealed pursuant to § 5.1.5(a)(1), the continued status of the document under seal shall be governed by the relevant federal statute. If no federal statute governs, §§ 5.1.5(b)(2) and (c) shall apply.
 - (2) When a document is sealed pursuant to § 5.1.5(a)(2), the document, if it remains in the custody of the Court, shall not be unsealed for two years after the conclusion of the civil action including all appeals, unless the Court orders otherwise.
- (c) If a document is still sealed at the conclusion of the two- year period and the Court has not entered an order continuing its sealed status beyond that time, the Clerk of Court shall notify the attorney for the party having submitted the sealed document at the attorney's address on the docket that the document will be unsealed unless the attorney or the submitting party advises the Clerk within sixty (60) days that said attorney or submitting party objects. If the attorney or submitting party objects to the unsealing of the document or if the Clerk's notification is returned unclaimed, the Court will make a determination, on a case-by-case basis, whether to maintain the document under seal, to unseal it, or to require further notification.”

Those wishing to obtain copies of the proposed Local Rule of Civil Procedure 5.1.5 may do so by accessing the District Court’s website at <http://www.paed.uscourts.gov>. Copies may also be obtained by writing to Michael E. Kunz, Clerk of the District Court, United States Courthouse, 601 Market Street, Room 2609, Philadelphia, PA 19106, or by obtaining them in person in the Office of the Clerk of the District Court, or by submitting a faxed request to the Clerk’s Office at 215-597-6390.

Those wishing to comment on proposed Local Rule of Civil Procedure 5.1.5 may do so by submitting their comments in writing to Michael E. Kunz, Clerk of the District Court, United States Courthouse, 601 Market Street, Room 2609, Philadelphia, PA 19106, no later than February 1, 2005.

JAMES T. GILES
Chief Judge